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The following constitutes
the order of the court. Signed May 7, 2018

M. Elaine Hammond

M. Elaine Hammond
U.S. Bankruptcy Judge

Attorney for Movant
WELLS FARGO BANK, N.A.

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

In re:
ADRIANO VICTORIO CUNANAN,
AURORA FRIAS,

Debtor(s).

CASE NO.: 18-50263 MEH-13

CHAPTER: 13

R.S. NO.: EAT-1908

ORDER GRANTING MOTION FOR RELIEF
FROM THE AUTOMATIC STAY

[PROPERTY:2843 BURL COURT, SAN
JOSE, CA 95121-1001]

DATE: 4/26/2018

TIME: 1:00 p.m.

PLACE: U.S. Bankruptcy Court
Courtroom 3020
280 S. First Street
San Jose, CA 95113-3099

The motion of Secured Creditor, WELLS FARGO BANK, N.A. ("Movant), for relief from the automatic stay came on regularly for hearing by the Court on the date, time and place set forth above, the HONORABLE M. ELAINE HAMMOND, United States Bankruptcy Judge presiding. All appearances were notated on the record. For the reasons set forth on the record and in the minutes of the proceedings,

1 it is

2 ORDERED, ADJUDGED AND DECREED that the automatic stay imposed by *11 U.S.C. §*
3 *362(a)* shall be and is hereby terminated as to Movant, its successors and assigns, thereby permitting
4 enforcement of its contractual default remedies against the security described in that certain Deed of
5 Trust recorded on April 6, 2006 as Document No. 18875667 in the Office of the County Recorder of
6 Santa Clara County, California, including that certain real property commonly known as **2843 BURL**
7 **COURT, SAN JOSE, CA 95121-1001** ("Property"), and legally described as follows:

9 ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE COUNTY OF
10 SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

11 (CITY OF SAN JOSE) LOT 61, AS SHOWN ON THAT CERTAIN MAP
12 ENTITLED, "TRACT NO. 3400," WHICH MAP WAS FILED FOR RECORD IN
13 THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA,
STATE OF CALIFORNIA, ON AUGUST 23, 1963, IN BOOK 165 OF MAPS, AT
PAGE(S) 40 AND 41.

14 EXCEPTING THEREFROM THE UNDERGROUND WATER OR RIGHTS
15 THERETO WITH NO RIGHTS OF SURFACE ENTRY, AS GRANTED TO SAN
16 JOSE WATER WORKS, A CALIFORNIA CORPORATION, RECORDED ON
OCTOBER 17, 1963, BOOK 6236, PAGE 127, OFFICIAL RECORDS AND RE-
17 RECORDED NOVEMBER 1, 1963, BOOK 6258, PAGE 114, OFFICIAL
RECORDS.

18 ORDERED, ADJUDGED AND DECREED that Movant, its successors and assigns, shall be
19 and are hereby authorized to enforce its rights and remedies under applicable non-bankruptcy law with
20 regard to the above collateral, all in accordance with the laws of the State of California.

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22 ORDERED, ADJUDGED AND DECREED the trustee shall not make any further payments on
23 account of Movant's secured claim after entry of this Order. The secured portion of Movant's claim is
24 deemed withdrawn upon entry of this Order without prejudice to Movant's right to file an amended
25 unsecured claim within thirty days for any deficiency.

26 ORDERED, ADJUDGED AND DECREED that the Order Granting Motion for Relief from the
27 Automatic Stay be binding and effective notwithstanding any conversion of this case to a case under any
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1 Chapter of *Title 11* of the *United States Bankruptcy Code* without further notice, hearing, or court order.

2 ORDERED, ADJUDGED AND DECREED that the terms of this Order shall be deemed
3 effective and enforceable immediately upon its entry with no stay on its enforcement as prescribed by
4 *Rule 4001(a)(3)* of the *Federal Rules of Bankruptcy Procedure*.

5 ORDERED, ADJUDGED AND DECREED that the Order Granting Motion for Relief from the
6 Automatic Stay if recorded in compliance with applicable state laws governing notices of interests or
7 liens in real property, this order shall be binding in any other case under this title purporting to affect
8 the Property filed not later than 2 years after the date of the entry of this order by the court, except
9 that a debtor in a subsequent case under this title may move for relief from this order based upon
10 changed circumstances or for good cause shown, after notice and a hearing. Any federal, state or
11 local government unit that accepts notices of interests or liens in real property shall accept any
12 certified copy of this order for indexing and recording.
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16 ***END OF ORDER***
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COURT SERVICE LIST

None

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